

Exhibit A

Wacker Drive Executive Suites v. Jones Lang LaSalle American (Illinois), LP

EXPERT OPINION REPORT OF ROBERT KAESTNER

Pursuant to Fed. R. Civ. P., Rule 26

Court: United States District Court – Northern District of Illinois

Case Number: 18-CV-05492

Case Name: *Wacker Drive Executive Suites v. Jones Lang LaSalle American (Illinois), LP*

Subject: Mandating the Use of Union Labor Raises Costs

Prepared By: Robert Kaestner

Date: January 17, 2020

1. Qualifications, Publications, Cases, and Compensation of Witness.

I am a qualified expert witness in this matter. I have a Ph.D. in economics and an extensive record of scholarly publications in labor economics and other applied microeconomic fields. I have published 130 articles in academic journals. I have also been awarded numerous research grants from the federal government and from non-profit organizations that have been administered almost always through the universities where I have held appointments. I have held appointments as a tenured, Full Professor at Baruch College of the City University of New York, the University of Illinois (University of Illinois System), the University of Illinois at Chicago and the University of California at Riverside. Currently, I am a Research Professor at the University of Chicago. I am a Research Associate of the National Bureau of Economic Research, which is widely considered the most prestigious group of economists in the world. I serve or have served on the editorial boards of several, leading academic journals.

A list of publications authored in the past ten years is attached as Appendix B. I have not served as an expert witness at a trial or deposition in the past four years.

The compensation to be paid for my study and testimonial in this case amounts to \$650 per hour for each hour of service provided.

2. Mandating the Use of Union Labor Raises Costs

I reviewed the Amended Class Action Complaint of Wacker Drive Executive Suites, LLC and the Wacker Drive Executive Suites, LLC Response to Defendant's First Set of Interrogatories.

In this report, I provide evidence related to whether mandating the use of union labor to move in and out of, and renovate commercial office space in downtown Chicago affects the costs of such activities. The evidence I present consists of a review of the academic literature on this issue, and from an original analysis of official government data. In that analysis, I estimate the difference in wages (and fringe benefits) between union and non-union workers in occupations typically used to move into and renovate commercial space in downtown Chicago.

a. Review of Academic Literature

The union wage premium, which measures the difference between union and non-union wages and is expressed as a percent of non-union wage, has been widely documented in the academic literature. There is overwhelming evidence that unions raise wages. The evidence is extensive and spans many years and many contexts. The evidence is also uniform—every study finds that there is a large, positive wage premium for union workers. And most importantly, evidence shows that the union wage premium in construction is very high.

The results of the following published studies support this conclusion.

i. Studies Related to All Workers

- Lewis (1986): reported that between 1970 and 1979, unions raised wages by 14% among all workers.
- Card (1996): reported that in 1987-88, unions raised wages by 17% among all workers, but as much as 28% for lower-skilled workers.
- Hirsch (2004): reported that between 1973 and 2001, unions raised wages by between 18% and 28% among all workers.
- Farber et al. (2018); reported that between 1936 and 2015, unions raised wages by 15% to 20% among all workers.

As the results of the studies above show, the evidence documenting a union wage premium is quite uniform. Across all occupations, unions raise wages of their members by approximately 15% relative to non-union workers and this premium has been remarkably stable over a long period of time.

ii. Studies Related to Construction Workers

- Northrup (1984)¹: reported union wage premiums for skilled (unskilled) workers in construction of 43% (50%) in 1936 and 46% (69%) in 1970.
- Allen (1988): reported union wage premiums for construction workers of between 37% and 56% for the period between 1967 and 1983.
- Linneman et al. (1990)²: reported union wage premiums for construction workers of between 34% and 52% for the period between 1973 and 1986.

¹ As reported in Thieblot, Armand J. 2001. “The Fall and Future of Unionism in Construction.” *Journal of Labor Research* 22(2): 287– 306.

² As reported in Allen Steve G. 1994. Developments in Collective Bargaining in Construction in the 1980s and 1990s, In Paula B. Voos, ed. *Contemporary Collective Bargaining in the Private Sector* Madison, WI: Industrial Relations Research Association, 1994, pp. 411-445.

- Hirsch (undated)³: reported union wage premiums for construction workers of between 34% and 41% for the period between 1983 and 1992.
- Bratsburg and Ragan (2002)⁴: reported union wage premiums for construction workers of between 24% and 54% for the period between 1967 and 1999.
- Blanchflower and Bryson (2004): reported union wage premiums for construction workers of 52% in 1983-1988 and 41% in 1996-2001.
- Bilginsoy (2013): reported union wage premiums for construction workers of 47% in 1983-1988 and 38% in 2002-2007.

In these studies of construction occupations, the evidence documenting a union wage premium is quite uniform and relatively stable over time. In the construction industry, unions raise wages of their members by approximately 40% relative to non-union workers (using the most recent estimates reported by Blanchflower and Bryson and Bilginsoy).

b. Original Analysis of the Union Wage Premium in Moving and Construction Occupations in Chicago

To provide evidence of the difference in the cost of union and non-union labor in construction and moving occupations in Chicago, I conducted an empirical analysis that compared the wages of union to non-union workers in occupations commonly used to move into and renovate office space in downtown Chicago. These occupations were selected based on experience of the plaintiff and come from occupations classified by the U.S. Bureau of the Census. The occupations are listed in Appendix A.

Data for the analysis came from the Current Population Survey (CPS) from 2011 to 2019. The Current Population Survey is the main source of labor force statistics in the United States and is conducted jointly by the U.S. Census Bureau and U.S. Bureau of Labor Statistics. It is a monthly survey of approximately 60,000 households that collects information on labor force characteristics including wages, occupation and union membership of individuals in the household. In each month, approximately 25% of the sample who are working is asked about the wage they earn on their job, their occupation and whether they belong to a union. This sample is referred to as the Outgoing Rotation Group (ORG). The ORG of the CPS is the most widely used data to examine the difference in union and non-union wages. The sample for the analysis is restricted to workers ages 18 to 64 who are employed in the private sector. I combined years of data (2011-2019) to insure sufficiently large sample sizes to obtain reliable estimates.

³ As reported in Allen Steve G. 1994. Developments in Collective Bargaining in Construction in the 1980s and 1990s, In Paula B. Voos, ed. Contemporary Collective Bargaining in the Private Sector Madison, WI: Industrial Relations Research Association, 1994, pp. 411-445.

⁴ As reported in Belman, Dale, and Paula B. Voos. 2006. "Union Wages and Union Decline: Evidence from the Construction Industry." *Industrial and Labor Relations Review* 60(1): 67– 87.

i. Union Wage Premium for Combined Occupations

The first step in my analysis was to estimate the union wage premium for the combined occupations listed in Appendix A. I calculate this estimate separately for workers in the U.S. who reside outside the metropolitan area of Chicago (Chicago-Naperville-Joliet) and for workers living in the Chicago metropolitan area. The Chicago-Naperville-Joliet metropolitan area is the closest geographical area to Chicago that can be identified in the public-use CPS data. To obtain these estimates, I adjust statistically for the fact that I am using data from several years (2011-2019), that earnings information is reported as an hourly or weekly wage and accounting for the fact that some people enter the sample twice (in different years).⁵ I also calculate estimates using the sample survey weight provided by the CPS.

The results of my analysis are as follows:

- The union wage premium in the combined occupations listed in Appendix A is 39% in areas outside the Chicago metropolitan area. It is highly significant from a statistical perspective (p-value <0.001).
- The union wage premium in the combined occupations listed in Appendix A is 47% in the Chicago metropolitan area. The 8% difference in the union wage premium between the metropolitan Chicago area and the rest of the U.S. is statistically significant (p-value=0.06). The higher union wage premium in Chicago than the U.S. is consistent with the greater union density in Chicago than in the rest of the U.S.; the share of workers in unions in the occupations in Appendix A in Chicago is twice that of the U.S.
- I also found that there was no statistically significant or economically important difference in non-union wages in the Chicago metropolitan area and the rest of the U.S.

It is important to recognize that these estimates of the union wage premium are similar to estimates reported in the academic literature and described earlier. This provides evidence that these estimates are valid and reasonable.

Because there are demographic differences between union and non-union workers that may be related to productivity differences, although the evidence to substantiate this claim is not extensive or uniform, I obtained alternative estimates of the union wage premium adjusting for age, education, gender and race. I do so in steps: first adjusting for age and education, and then adjusting for age, education, gender and race. Estimates from this analysis are as follows:

- After adjusting for age and education, the union wage premium in the combined occupations in Appendix A is 30% in areas outside the Chicago metropolitan area.

⁵ Ordinary Least Squares regression methods are used to obtain estimates of the union wage premium.

Further adjustment for gender and race yields an estimate of 28%. All estimates are highly significant from a statistical perspective (p-value <0.001).

- After adjusting for age and education, the union wage premium in the combined occupations in Appendix A is 40% in the Chicago metropolitan area. The 10% difference in the union wage premium between the metropolitan Chicago area and the rest of the U.S. is statistically significant (p-value=0.01). Further adjustment for gender and race yields an estimate of 36%. The 8% difference in the union wage premium between the metropolitan Chicago area and the rest of the U.S. is statistically significant (p-value=0.04).

Overall, the union wage premium in Chicago in the relevant occupations remains very high (30% to 36%) even after adjusting for demographic factors and consistent with results from the academic literature. However, these adjustments are only valid if they represent true productivity differences between union and non-union workers. This is a claim that is not well founded by direct evidence.

ii. Union Wage Premium by Occupational Group

I also obtained estimates of the union wage premium by several occupational groups constructed from the individual occupations in Appendix A. I grouped occupations into categories because, despite being the largest and most appropriate source of data, the CPS does not have sufficient sample sizes to obtain estimates of the union wage premium in each individual occupation (see Appendix A for groupings). This is the case even when combining several years of data (2011-2019). Moreover, even when individual occupations are combined into larger groups, the CPS does not have sufficient sample sizes to obtain reliable estimates of the union wage premium in the metropolitan Chicago area. Therefore, I obtain the estimates of the union wage premium for each occupational group for the entire country using the same procedure as that used to obtain estimates of the union wage premium for the combined occupations. I then adjust for the fact that the union wage premium in Chicago is higher than in the country as a whole. How much is added depends on what adjustments were included in the analysis. For the baseline case, I add 8% to estimate the occupational group-specific union wage premium in metropolitan Chicago. If I include adjustments for age and education, then I add 10%, and if I include additional adjustments for gender and race then I add 8%. All of these estimates are noted above.

The results are shown in Table 1. All occupational group-specific estimates of the union wage premium for the U.S. in Table 1 are highly statistically significant (p-value<0.001). As noted, estimates for the Chicago metropolitan area are calculated by adding either 8% to the estimates for the U.S (columns 2 and 3) or 10% (column 2). As can be observed, estimates of the union wage premium by occupational group in Chicago vary modestly. In the baseline case, estimates range from 30% for moving-related occupations to 36% to 50% for construction occupational groupings. When additional adjustment is made for demographic factors, estimates range from 24% to 46%.

Table 1. Estimates of the Union Wage Premium by Occupation

Occupational Group	Union Wage Premium in U.S.	Union Wage Premium in Metropolitan Chicago	Union Wage Premium in Metropolitan Chicago (Adjustment-1)	Union Wage Premium in Metropolitan Chicago (Adjustment-2)
Carpenter	42%	50%	44%	41%
Electrician	28%	36%	32%	29%
Drywall	42%	50%	46%	42%
Plumber	38%	46%	40%	36%
Laborer	38%	46%	41%	38%
Installer	35%	43%	37%	34%
Operating Engineer	34%	42%	39%	36%
Mover	22%	30%	27%	24%

Adjustment-1: adjusts for differences in the age and education composition of union and non-union workers. Adjustment-2: adjusts for differences in the age, race, gender and education composition of union and non-union workers.

The simple average of the union wage premium across occupational groups in the Chicago metropolitan area is 43% in the baseline case. This estimate is remarkably close to estimates presented in the previous section. Specifically, the (weighted average) of the union wage premium in the combined occupations in the Chicago metropolitan area is 47%. Note this latter figure was calculated directly, and did not rely on the 8% adjustment used to calculate the occupational-group specific union wage differentials in Chicago metropolitan area. The similarity of the two estimates suggests that the occupational group-specific estimates obtained by adding 8% (or 10%) to the national estimates is relatively accurate and a valid approach.

iii. An Alternative Approach Using Cook County Prevailing Wage Rates Set by State of Illinois

An alternative approach to estimating the union wage premium in construction occupations is to make use of published estimates of the prevailing wage for construction workers in Cook County published by the Illinois Department of Labor (IDOL). It is well known that the prevailing wage published by IDOL is the union wage and not the competitive (non-union) market wage, which is sometimes referred to as the prevailing wage. The IDOL prevailing wage is the wage plus fringe benefits paid to construction workers on public works jobs. Almost all such workers are unionized. Therefore, the IDOL prevailing wage is an accurate estimate of the wage and fringe benefit costs of union workers in construction occupations in Cook County. Another advantage of this alternative approach is that it incorporates the effect of unions on fringe benefits. It is well documented that unions raise fringe benefits above that paid to non-union workers (Freeman 1981; Budd 2005). Therefore, the analysis of the union wage premium that does not incorporate fringe benefit, as above, may understate the difference in total labor costs between union and non-union labor.

IDOL does not publish a prevailing wage for all of the occupations used to renovate commercial premises in Chicago. Therefore, I can only use this alternative approach to estimate

the union cost differential for those occupations for which the IDOL published a prevailing wage. As noted, the prevailing wage includes the hourly wage plus fringe benefits.

To calculate the union wage and fringe benefit premium for the occupations with a published prevailing wage, I use the non-union wage rate for the same occupations estimated using the CPS data described above. The CPS data report hourly wages (i.e., does not include fringe benefits). To calculate the non-union hourly wage plus fringe benefit rate, I multiply the non-union wage estimated from the CPS data by 1.32 because the U.S. Bureau of Labor Statistics states that fringe benefits average 32% of total compensation (<https://www.bls.gov/news.release/pdf/ecec.pdf>).

As noted, the CPS does not have sufficient sample sizes to estimate the non-union wage rate in a specific occupation in the Chicago metropolitan area. Therefore, I use the non-union wage rate in a specific occupation in the U.S, as an estimate for Chicago. This is a valid approach to estimate the non-union wage rate in Chicago metropolitan area because, as reported above, the non-union wage in combined occupations in Appendix A does not differ statistically or economically between the Chicago metropolitan area and the rest of the U.S. Accordingly, it is reasonable to use the national, non-union wage rate in an occupation as an estimate of the non-union wage rate in Chicago metropolitan area.

Table 2 presents estimates of the union wage and fringe benefit premium for the occupations with published IDOL prevailing wages.⁶

Table 2. Alternative Estimates of the Union Wage Premium by Occupation

Occupations	IDOL Cook County Prevailing Wage	Non-Union Hourly Wage	Non-Union Wage Plus Fringe	Union Wage Plus Fringe Premium%
Brickmasons, blockmasons, and stonemasons	46.88	20.21	26.68	76%
Carpenters	48.55	20.31	26.81	81%
Cement masons, concrete finishers, and terrazzo workers	46.25	22.27	29.40	57%
Construction laborers	43.72	18.39	24.27	80%
Electricians	49.35	23.09	30.48	62%
Glaziers	44.85	20.38	26.90	67%
Painters, construction and maintenance	47.30	18.91	24.96	89%
Pipelayers, plumbers, pipefitters, and Steamfitters	51.00	21.19	27.97	82%
Plasterers and stucco masons	44.50	19.47	25.70	73%
Millwrights	48.55	22.87	30.19	61%

The first column of Table 2 lists the published IDOL prevailing wage by occupation (for July 2019). The second column shows the estimated non-union, hourly wage in the specific occupations (in 2019) obtained from CPS data. The third column contains the wage plus fringe benefit cost of non-union labor. This figure is calculated by multiplying the wage in column 2 by 1.32 to obtain

⁶ <https://www2.illinois.gov/idol/Laws-Rules/CONMED/Pages/2019-Rates.aspx>

the wage plus fringe benefit hourly cost. Finally, the last column shows the union wage plus fringe benefit premium as a percent of non-union compensation.

The first point of note about the estimates of the union wage plus fringe benefit premium in Table 2 is that they are larger than estimates in Table 1. For example, for carpenters, the estimate of the union wage premium from the CPS is 50%; the analogous estimate derived from the prevailing wage and inclusive of fringe benefits is 81%. This suggests that unions increase wages and fringe benefits, but the union impact is relatively larger on fringe benefits than on wages. Accounting for both of these effects, as in Table 2, leads to larger estimates of the difference in the total cost of union labor vis-à-vis non-union labor. The second point of note about estimates in Table 2 is their magnitudes; the total cost of union labor in Cook County relative to non-union labor ranges from 57% to 89%--a very large cost differential.

It is worth reiterating that the use of the IDOL prevailing wage to calculate the total difference in union and non-union labor costs, as in Table 2, has the important advantage of measuring in an highly accurate way the total (wage plus fringe benefit) costs of union labor in Cook County in the occupations listed in Table 2. This information is largely reported by unions.⁷ The disadvantage is that IDOL does not publish a prevailing wage for all the occupations typically used to move into and renovate commercial premises in Chicago.

iv. Conclusion

The evidence documenting that union labor in moving and construction occupations is substantially more costly than similar non-union labor is overwhelming. Published estimates of the union wage premium in construction from academic studies are large with a typical estimate indicating that union wages are 40% higher than non-union wages. Estimates from my analysis are consistent with the published estimates and suggest that for Chicago, the union wage premium in construction and building occupations is 47%. Estimates from analyses that adjust for demographic factors are similar (36% to 40%). When adding in the effect of unions on fringe benefits, as well as wages, the difference in union v. non-union costs in a sample of construction occupations in Cook County increases to approximately 73% (simple average of estimates in Table 2).

To summarize, the evidence is overwhelming that the cost of union labor is significantly greater than the cost of non-union labor in Chicago. Also evident is that estimates of the union wage premium in Table 1 are conservative.⁸ Therefore, the use of estimates in Table 1 to calculate damages will produce a conservative estimate.

⁷ <https://www2.illinois.gov/idol/Laws-Rules/CONMED/Pages/2018-Prevailing-Wage-Methodology.aspx>

⁸ Similarly, other evidence from the Bureau of Labor Statistics Modeled Wage Estimates program indicates that estimates in Table 1 are conservative (<https://www.bls.gov/mwe/>).

3. A General Approach to Estimating Damages to Potential Class Members

Damages for each potential class member can be estimated using the evidence on the differences in the cost of union and non-union labor presented in Table 1. The following steps describe the approach:

- For each class member, the costs incurred for unions services will be available and can be aggregated into the occupational categories shown in Table 1 and listed in Appendix A (e.g., carpenter, electrician, and plumber).
- For each of these categories of labor, the non-union cost of that labor can be calculated by dividing the union cost of that type of labor by the corresponding union wage premium in Table 1.⁹
- Then the differences in the costs of services between union and non-union labor can be calculated for each type of labor and summed to obtain the total excess costs of using union labor.

The approach to calculating damages is general and will yield different damages depending on the amount and cost of union labor employed in each service category. If a class member only used carpentry, then the excess costs of union labor will reflect the higher costs of carpentry and not the higher costs of other services. Many combinations of services can be accommodated by this approach and damages applicable to each potential class member can be calculated.

Dated: January 31, 2020

Respectfully submitted,

/s/ Robert Kaestner

Robert Kaestner

⁹ As noted, the union wage premium is equal to the union cost divided by the non-union cost (expressed as a percent). Thus, the non-union cost of labor is equal to the union cost of labor divided by the union wage premium.

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Appendix A

1. Occupations Used in Analysis of Union Wage Premium

OCCUPATION TITLE	2010 CENSUS CODE(S)	2010 SOC CODE(S)
Brickmasons, blockmasons, and stonemasons	6220	47-2020
Carpenters	6230	47-2031
Carpet, floor, and tile installers and finishers	6240	47-2040
Cement masons, concrete finishers, and terrazzo workers	6250	47-2050
Construction laborers	6260	47-2061
Operating engineers and other construction equipment operators	6320	47-2073
Drywall installers, ceiling tile installers, and tapers	6330	47-2080
Electricians	6355	47-2111
Glaziers	6360	47-2121
Insulation workers	6400	47-2130
Painters, construction and maintenance	6420	47-2141
Paperhangers	6430	47-2142
Pipelayers, plumbers, pipefitters, and steamfitters	6440	47-2150
Plasterers and stucco masons	6460	47-2161
Helpers, construction trades	6600	47-3010
Miscellaneous construction and related workers	6765	47-4090
Electrical and electronics repairers, industrial and utility	7100	49-2094, 49-2095
Security and fire alarm systems installers	7130	49-2098
Control and valve installers and repairers	7300	49-9010
Heating, air conditioning, and refrigeration mechanics and installers	7315	49-9021
Millwrights	7360	49-9044
Electrical power-line installers and repairers	7410	49-9051
Telecommunications line installers and repairers	7420	49-9052
Helpers—installation, maintenance, and repair workers	7610	49-9098
Other installation, maintenance, and repair workers	7630	49-9093, 49-9099
Industrial truck and tractor operators	9600	53-7051
Laborers and freight, stock, and material movers, hand	9620	53-7062
Material moving workers, all other	9750	53-7199

Appendix A

2. Occupational Groups Used in Table 1 (includes all occupations listed in part 1)

Carpenters

Electricians

Drywallers (including the individual occupations listed below)

Brickmasons, blockmasons, and stonemasons

Drywall installers, ceiling tile installers, and tapers

Glaziers

Insulation workers

Painters, construction and maintenance

Paperhangers

Plasterers and stucco masons

Installers (including the individual occupations listed below)

Electrical and electronics repairers, industrial and utility

Security and fire alarm systems installers

Control and valve installers and repairers

Heating, air conditioning, and refrigeration mechanics and installers

Millwrights

Electrical power-line installers and repairers

Telecommunications line installers and repairers

Helpers—installation, maintenance, and repair workers

Other installation, maintenance, and repair workers

Laborers (including the individual occupations listed below)

Construction laborers

Helpers, construction trades

Miscellaneous construction and related workers

Operating engineers and other construction equipment operators

Plumber (Pipelayers, plumbers, pipefitters, and steamfitters)

Mover (including the individual occupations listed below)

Industrial truck and tractor operators

Laborers and freight, stock, and material movers, hand

Material moving workers, all other

Appendix B

Articles Published 2010 to present

1. Joyce, Theodore, Kaestner, Robert and Jason Ward. (forthcoming). "The Impact of Parental Involvement Laws on the Abortion Rate of Minors." Demography
2. Antonakos, Cathy, Claudia J. Coulton, Robert Kaestner, Mickey Lauria, Dwayne E. Porter, and Natalie Colabianchi (forthcoming). "Built Environment Exposures of Adults in the Moving to Opportunity Experiment." Housing Studies.
DOI: [10.1080/02673037.2019.1630560](https://doi.org/10.1080/02673037.2019.1630560)
3. Wehby, George, Dave, Dhaval, and Robert Kaestner. (forthcoming). "Effects of the Minimum Wage on Infant Health". Journal of Policy Analysis & Management.
4. Jaeger, David, Joyce Theodore and Robert Kaestner. (Forthcoming). "A Cautionary Tale of Evaluating Identifying Assumptions: Did Reality TV Really Cause a Decline in Teenage Childbearing?" Journal of Business & Economic Statistics.
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11. Hu, LuoJia, Kaestner, Robert, Miller, Sarah, Mazumdar, Bhaskar, and Ashley Wong. 2018. "The Effect of the Affordable Care Act Medicaid Expansions on Financial Wellbeing." Journal of Public Economics, 163:99-112.
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15. Kaestner Robert, Garrett, Bowen, Jiajia Chen, Anuj Gangopadhyaya, and Caitlyn Fleming. 2017. "Effects of ACA Medicaid Expansions on Health Insurance Coverage and Labor Supply." Journal of Policy Analysis and Management, 36(3):608-42.
16. Plurphanswat, Nanataporn, Kaestner, Robert, and Brad Rodu. 2017. "The Effect of Smoking on Mental Health." American Journal of Health Behavior, 41(4):471-83.
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